

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ISMAEL TAMAYO-BAEZ,

Defendant.

No. 14-CR-3055-LRR

**ORDER REGARDING
MAGISTRATE'S REPORT AND
RECOMMENDATION
CONCERNING DEFENDANT'S
GUILTY PLEA**

I. INTRODUCTION AND BACKGROUND

On October 30, 2014, a one-count Indictment was filed against the defendant, Ismael Tamayo-Baez. On January 28, 2015, the defendant appeared before United States Chief Magistrate Judge Jon S. Scoles and entered a conditional plea of guilty to count 1 of the Indictment. On January 28, 2015, Judge Scoles filed a Report and Recommendation in which he recommended that the court accept the defendant's guilty plea. On January 28, 2015, the defendant filed a Waiver of Objections to Report and Recommendation. The court, therefore, undertakes the necessary review of Judge Scoles's recommendation to accept the defendant's plea in this case.

II. ANALYSIS

Pursuant to statute, this court's standard of review for a magistrate judge's report and recommendation is as follows:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.

28 U.S.C. § 636(b)(1). Similarly, Federal Rule of Civil Procedure 72(b) provides for

review of a magistrate judge's report and recommendation on dispositive motions and prisoner petitions, where objections are made, as follows:

The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

Fed. R. Civ. P. 72(b).

In this case, no objections have been filed, and it appears to the court upon review of Judge Scoles's findings and conclusions that there is no ground to reject or modify them. Therefore, the court **ACCEPTS** Judge Scoles's Report and Recommendation of January 28, 2015, and **ACCEPTS** the defendant's conditional plea of guilty to Count 1 of the Indictment.

IT IS SO ORDERED.

DATED this 28th day of January, 2015.

A handwritten signature in black ink, appearing to read "Linda R. Reade", written over a horizontal line.

LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA